

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

SHAHRAM SHAKOURI, #1558021
VS.
DIRECTOR, TDCJ-CID

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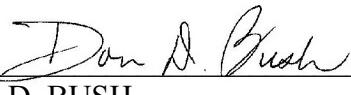
CIVIL ACTION NO. 4:15cv447

O R D E R

Petitioner filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. A review of the petition reveals that it should arguably be dismissed as time-barred. Petitioner states that Final Judgment in the criminal case issued on January 29, 2009, the appellate court affirmed on August 30, 2010, and his Petition for Discretionary Review was refused on April 6, 2011. He did not file his state writ of habeas corpus until July 11, 2012. Consequently, Petitioner's petition may be dismissed as time-barred. Before acting on its own initiative to dismiss a case as untimely, a district court should accord the petitioner fair notice and an opportunity to present his position. *Day v. McDonough*, 547 U.S. 198, 210, 126 S. Ct. 1675, 164 L. Ed.2d 376 (2006). Thus, it is

ORDERED that Petitioner has fourteen days to respond as to the timeliness of his motion. He is placed on notice that the § 2254 petition may be dismissed if he fails to timely comply with this order.

SIGNED this 12th day of November, 2015.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE